-	Application No.	Applicant(s)
	10/669,217	ESMOND ET AL.
Notice of Allowability	Examiner	Art Unit
	Vickie Kim	1614
The MAILING DATE of this communication appear All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI	(OR REMAINS) CLOSED in or other appropriate commits (IGHTS). This application is	n this application. If not included unication will be mailed in due course. <b>THIS</b>
1. $\boxtimes$ This communication is responsive to <u>examiner's amendment</u>	ent requested on 2/3/05(see	<u>e interview summary)</u> .
2. The allowed claim(s) is/are <u>13,15,17-19 and 21</u> .		
3. The drawings filed on are accepted by the Examine	r.	
<ul> <li>4.  Acknowledgment is made of a claim for foreign priority ur</li> <li>a)  All b)  Some* c)  None of the:</li> <li>1.  Certified copies of the priority documents have</li> <li>2.  Certified copies of the priority documents have</li> <li>3.  Copies of the certified copies of the priority documents have</li> <li>International Bureau (PCT Rule 17.2(a)).</li> <li>* Certified copies not received:</li> </ul>	been received. been received in Applicati	on No. <u>09/394,712</u> .
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file IENT of this application.	e a reply complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give	itted. Note the attached EX es reason(s) why the oath c	AMINER'S AMENDMENT or NOTICE OF or declaration is deficient.
<ol> <li>CORRECTED DRAWINGS ( as "replacement sheets") must</li> <li>(a) including changes required by the Notice of Draftspers</li> <li>1) hereto or 2) to Paper No./Mail Date</li> <li>(b) including changes required by the attached Examiner's Paper No./Mail Date</li> <li>Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the</li> </ol>	on's Patent Drawing Revie  s Amendment / Comment o  84(c)) should be written on t	r in the Office action of the drawings in the front (not the back) of
7. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT		
<ul> <li>Attachment(s)</li> <li>1. ☑ Notice of References Cited (PTO-892)</li> <li>2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 12/19/03</li> <li>4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ul>	6. ⊠ Interview S Paper No. 8), 7. ⊠ Examiner's	nformal Patent Application (PTO-152) fummary (PTO-413), /Mail Date <u>2/3/05</u> Amendment/Comment  Statement of Reasons for Allowance

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## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Acker, Deborah on 2/3/05.

- 2. The application has been amended as follows:
  - a. Cancel claims 2, 8-12, 14 and 16.
  - b. Rewrite the claim 13 as following:
- --- Claim 13. (amended twice): A method for the treatment of Alzheimer's disease, in a human, comprising administering to the human in need thereof an effective amount of an agent, wherein the agent is selected from chromium, insulin-like growth factor, troglitazone [a dopamine agonist] and a thiazolidinedione, which increases the insulin sensitivity of the human and restricting the metabolizable carbohydrates in the diet of the human, wherein the metabolizable carbohydrates in the diet are limited to no more than about 55 grams per day. ---
  - c. Add new claim 21 as following:
- --- Claim 21. (new): The method of claim 13, wherein said agent is a thiazolidinedione. ----

## Reason for allowance

The following is an examiner's statement of reasons for allowance:
 US5789401(Mccarty ) teaches a use of chromium for treating type II diabetes but it fails

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to teaches Alzheimer's disease. US 5668117(Shapiro) teaches a treatment of neurological disorders including Alzheimer's disease using a combination of carbonyl trapping agent and previously known medicaments. However, it fails to a use an agent that increases insulin sensitivity(i.e. chromium, troglitazone or thiazolidione) in combination with restricted metabolizable carbohydrate diet(not more than 55grams per day). Thus, the claimed subject matter has not been taught by the prior art of the record and the claimed invention is patentably distinct.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## Conclusion

- 1. All the pending claims 13, 15, 17-19 and 21 are allowed.
- 2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickie Kim whose telephone number is 571-272-0579. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Low be reached on 571-272-0953. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VICKIE KIM PRIMABY, EXAMINER

Vickie Kim

February 7, 2005

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